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originally, only on condition that another familiar with the decisions on Indian law should collect and digest the cases.

With the merits of the Indian Contract Act we cannot deal within the limits of a book review. That act suffered, it has been pointed out, by passing through three different hands in the course of its preparation,—the Indian Law Commission, the Legislative Department in India, and Sir James Stephen. In the course of this, and particularly at the hands of the Legislative Department in India, sections here and there were borrowed from the draft and code prepared for New York by Dudley Field, which, as Sir Frederick Pollock says, "is the worst piece of codification ever produced. . . . The clauses on fraud and misrepresentation in contract—which are rather worse if anything than the average badness of the whole—were most unfortunately adopted in the Indian Contract Act." But in spite of these and other criticisms the act is still unrevised.

It is needless to say that the editorial and critical work is carefully done. The name of the editor assures that. This second edition is published within four years of the first, and is called for by reason of the increase of decisions of English and Indian courts. The arrangement is the same, the chief changes being the inclusion, somewhat against the editor's will but because of the necessities of the case, of references to unofficial Indian reports, and in enlarged commentaries on sales, agency, and partnership, those on sales being by Mr. J. B. Eames, those on agency by Mr. William Bowstead, and those on partnership by the editor himself.

The book is interesting to those interested in codifications and in foreign systems of law, but cannot be of general use.

S. H. E. F.

WORK ACCIDENTS AND THE LAW. By Crystal Eastman. New York: Charities Publication Committee. 1910. pp. xvi, 345. 8vo.

"Work Accidents and the Law" is one of a number of volumes known as "The Pittsburgh Survey," which are part of the publications provided for by the Russell Sage Foundation. It is a clear and very forceful exposition of the effect of the present provision made in Pennsylvania—and Pennsylvania does not differ radically in this particular from the rest of the United States—to prevent industrial accidents and to compensate industrial workers and their families for the loss caused by such accidents. It is based upon facts most carefully presented and analyzed to show who are responsible for the accidents, who in fact bear the resulting financial loss and what are the financial resources of the losers. Its exposition of the present law is brief and clear.

Its consideration of the efficiency of our law as a means of preventing accidents not only shows that probably over one-third of the fatal accidents are due to some form of negligence attributable to the employer or his superintendents; but it deals with the practical possibility of enforcing laws that would prevent the recurrence of the situations which have actually caused accidents, by taking fully into account the provisions for safety in excess of those required by law, which are now enforced by several companies.

The consideration of the efficiency of the present law as a means of providing proper compensation for the loss incurred is presented not merely as an academic question based upon the entirely inadequate compensation which the facts show. The practical situation is concretely dealt with by summarizing the meagre resources of employees, both married and single, accurately estimating the relief to be gained through insurance, voluntary relief associations, and the Carnegie Relief Fund, stating the legal expenses and liability insurance premiums of the employer, estimating the administrative expense to the state. The reader who is interested in social problems is delighted to find that

he has before him not mere argument but matter-of-fact truth logically arranged. He is prepared to consider carefully the comparison of the various forms of the American accident law, which grants compensation only for loss due to the employer's negligence, with the systems of England, France, and Germany, which give a definite compensation for every loss regardless of negligence. The reader may have believed implicitly in the common law as inherently just and economically sound, since it makes each party responsible for his own fault, and establishes through freedom of contract the proper compensation of labor in the process of production. But no matter how deeply rooted the reader's opinion may have been, he cannot fail to be impressed with the argument presented in this book.

It is true that the European systems shift the losses caused by industrial accidents from the employee to the employer and through the employer to the consumer. But in so far as this change secures to the employee compensation for accidents due to the employer's negligence it is only a far more efficient administration of the common-law theory. In so far as the change secures to the employee compensation for unavoidable accidents it is but a practical means of making the compensation for labor proportionate to the risks involved — a result by no means secured by mere freedom of contract. The real expense of the change lies in the compensation given to employees for accidents due to their own negligence — less than one-third of the accidents. This expense is to be balanced by these advantages: the assurance to employees of fair compensation in cases where they are not negligent; the elimination for the employer and employee and for the state of administrative expenses; the tendency of the European form of law to induce employers to decrease the causes of accidents.

It is impossible to give here even a general outline of the facts presented in the book. They cover the five hundred and twenty-six fatal accidents which occurred in Allegheny County — the Pittsburgh District — between July 1, 1906, and June 31, 1907, and the five hundred and nine non-fatal accidents which occurred in the same place in April, May, and June of 1907. At each step in the argument after an analysis of these cases there follows a comprehensive tabulation or diagram of the result. Such a scientific treatment has not robbed the book of human interest, because its descriptions are forcefully clear and brief and its illustrations have been admirably chosen.

P. K.

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